

EXHIBIT 30

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

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5
6 IN RE:

7 NATIONAL PRESCRIPTION MDL 2804

8 OPIATE LITIGATION Case No. 1:17-md-2804

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10 * * *

11 Deposition of ERIC A. GRIFFIN,
12 Witness herein, called by the Defendants for
13 cross-examination pursuant to the Rules of Civil
14 Procedure, taken before me, Christine Gallagher,
15 a Notary Public and Registered Professional
16 Reporter in and for the State of Ohio, at the
17 Sheraton Columbus at Capitol Square, 75 East
18 State Street, Judicial Board Room, Columbus,
19 Ohio, on Wednesday, the 23rd day of January,
20 2019, at 8:48 a.m.

21 * * *

1 policies or procedures for responding to
2 suspicious order reports that are submitted by
3 distributors?

4 A. We do not have a written policy or
5 procedure; however, they are reviewed
6 periodically by a supervisor, and the most
7 recent system set up will review them at the
8 weekly intake meetings where we also review the
9 complaints.

10 Q. Does a suspicious order report
11 automatically trigger an investigation?

12 A. No, ma'am.

13 Q. In what circumstances would there
14 not be an investigation?

15 A. Well, to give you an example, the
16 majority of our suspicious order reports are
17 for package sizes less than a quantity of four.
18 I think roughly 75 percent are for a package
19 size less than four and you need additional
20 information from the wholesalers. We've
21 requested additional information in the past
22 and we've also opened an investigation based
23 upon some suspicious orders in the past.

24 Q. So what does trigger an
25 investigation?

1 A. It would not because you don't --
2 we don't know why the wholesaler is triggering
3 it. You would have to find out from them what
4 their suspicious order report policy and
5 procedure is. We've had discussions with
6 Cardinal in the past, you know, and sometimes
7 with different wholesalers, and the fact that,
8 again, it could just be a number that they've
9 generated and the system automatically
10 calculates or sends a suspicious order report,
11 when in theory it's legitimate use.

12 Q. So, for example, Cardinal has a
13 suspicious monitoring -- let's take Cardinal
14 out of it. A wholesaler has a suspicious
15 monitoring software that, based on numbers,
16 will automatically generate a suspicious order
17 report?

18 A. Right.

19 Q. But it's not numbers alone. What
20 you're saying is that just because there's a
21 suspicious order report doesn't necessarily
22 mean it really is a suspicious order?

23 A. Correct.

24 Q. Because you can't tell just based
25 on the numbers --

1 A. We can't tell just by this
2 document that this is a suspicious order.

3 Q. Are the requirements for
4 investigating a suspicious order codified
5 anywhere?

6 A. No, ma'am.

7 Q. We've talked a little bit about
8 new rules and regulations and the board's role
9 in proposing or passing various rules,
10 regulations and legislation, correct?

11 A. Yes, ma'am.

12 (Thereupon, Defendants' Exhibit
13 Number 14, State of Ohio Board of Pharmacy 3rd
14 Quarter 2017 - Rule Update, was marked for
15 purposes of identification.)

16 BY MS. BROWNE:

17 Q. We'll mark as Exhibit 15 -- I beg
18 your pardon, Exhibit 14 a printout from the BOP
19 website. It's entitled 3rd Quarter 2017 - Rule
20 Update.

21 A. Yes, ma'am.

22 Q. And it notes some of the rules
23 effective this quarter are organized into these
24 new divisions; for the rules that are
25 rescinded, please refer to the last column to

1 questions that would be asked if you called a
2 wholesale drug distributor?

3 A. Why is it suspicious, did you cut
4 off the -- did you cut off the pharmacy, are
5 you still selling to them, why do you feel --
6 did it deviate from their normal purchasing,
7 was it a large quantity, what made this order
8 suspicious in your system.

9 Q. Have you, yourself, had any such
10 conversations with wholesale drug distributors?

11 A. I believe I have.

12 Q. And this follow-up that you just
13 described, was this beginning to occur in the
14 2014/2016 time frame we were describing where
15 you were doing more with them and putting them
16 into digital form and all of that?

17 A. I think it would have been more --
18 it would have probably been 14/15-ish.

19 Q. Do I understand your testimony
20 correctly that there has not been an instance
21 where an investigation was triggered by a
22 suspicious order report alone, just the number
23 report that came in, you always did follow-up?

24 A. Yeah, not without an initial
25 contact. We're going to call and find out.